

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

JANE DOE,

Plaintiff,  
-against -

ARCHDIOCESE OF NEW YORK, and ST.  
ATHANASIUS,

Defendants.

Index No.: \_\_\_\_\_/19

Plaintiffs designate  
BRONX COUNTY  
as place of trial.

The basis of venue is  
Plaintiff resides in  
BRONX COUNTY.

**SUMMONS**

X

To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**ARCHDIOCESE OF NEW YORK**  
1011 1st Avenue,  
New York, NY 10022

**ST. ALTHANASIUS**  
878 Tiffany St  
Bronx, NY 10459

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX****Index No.: \_\_\_\_\_/19****X****JANE DOE,****Plaintiff,****-against -****VERIFIED  
COMPLAINT****ARCHDIOCESE OF NEW YORK, and ST.  
ATHANASIUS,****Defendants.****X**

Plaintiff(s),<sup>1</sup> above named, complaining of the defendants, by **MERSON LAW, PLLC.**, respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is a case of plaintiff Jane Doe who was sexually abused as a child by Father Milcon Ruis (“Ruis”) at and of St. Athanasius and Archdiocese of New York (“Archdiocese”).
2. Ruis was a priest at St. Athanasius in Bronx, New York which was part of the Archdiocese. Ruis was known among the community and the children as a sexual predator.
3. Despite the Archdiocese’s knowledge that Ruis sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese and St. Athanasius allowed Ruis unfettered access to children, including on Diocese premises.

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<sup>1</sup> Plaintiff uses a pseudonym because she is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

4. Beginning in or about 1973 and continuing until approximately 1978, Ruis while under the scope of employment with the Archdiocese and St. Athanasius and while acting on behalf of the Archdiocese and St. Athanasius, Ruis would sexually abuse Ms. Doe, then between five and continuing approximately until she was ten years old, repeatedly. Ruis would sexually abuse Ms. Doe at church, at her home and other venues. Ruis would corner Ms. Doe to touch her vagina and breasts, force her to sit on his lap, force her to touch his penis, pull up her skirt and fondle her vagina and otherwise sexually abuse her.
5. Ms. Doe brings this lawsuit to recover for the emotional and physical suffering she endured because of the negligence of the Archdiocese of New York and St. Athanasius and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

**PARTIES**

6. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
7. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1<sup>st</sup> Avenue, New York, New York 10022.
8. At all times herein mentioned, Ruis was a priest operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.

9. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** owned, operated and/or controlled a church called St. Athanasius located at 878 Tiffany Street, Bronx, New York 10459.
10. At all times herein mentioned, Ruis was an agent, servant and/or employee of defendant **ARCHDIOCESE OF NEW YORK.**
11. At all times herein mentioned defendant **ST. ATHANASIUS** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **ST. ATHANASIUS** was located at 878 Tiffany Street, Bronx, NY 10459.
13. At all times herein mentioned, Ruis was a priest operating under the direction and control of defendant **ST. ATHANASIUS**, and its agents, servants and/or employees.
14. At all times herein mentioned, Ruis was an agent, servant and/or employee of defendant **ST. ATHANASIUS.**
15. At all times herein mentioned, Defendants **ARCHDIOCESE OF NEW YORK** and the **ST. ATHANASIUS**, were agents, servants, employees and/or alter egos of each other.

#### FACTS OF THE CASE

16. Defendants **ARCHDIOCESE OF NEW YORK's** and **ST. ATHANASIUS's** negligence and recklessness caused Ruis to have access to young children despite their knowledge that Ruis sexually abused children and/or had the propensity to sexually abuse children, including on Diocese premises, and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ARCHDIOCESE OF NEW YORK's** and **ST. ATHANASIUS's** negligence, Plaintiff would not have suffered the

mental and physical anguish inflicted by Ruis. **ARCHDIOCESE OF NEW YORK's** gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.

17. Ruis sexually assaulted Plaintiff and many other young patrons of St. Athanasius in Bronx, New York. Nonetheless, defendant **ARCHDIOCESE OF NEW YORK** failed to remove Ruis from his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese continued to allow, encourage and/or permit Ruis to have unfettered access to children, including on Diocese premises, and wholly failed to supervise him.
18. In approximately 1973 and continuing through approximately 1978, Ruis would sexually abuse Plaintiff repeatedly.
19. Ruis sexually abused Plaintiff at church, in her home and other places.
20. The abuse began when Plaintiff was approximately five years old and continued until she was approximately ten years old.
21. Plaintiff was a server for the church and Ruis used his position of authority and power as priest, as provided to him by the Archdiocese, to force Plaintiff into a corner and sexually abuse her by touching her vagina and breasts.
22. Ruis additionally used his position of authority and power, as provided to him by the Archdiocese, to manipulate Plaintiff's mother, a devout catholic, into trusting him to be alone with plaintiff.
23. Ruis would come to plaintiff's home where he would force plaintiff to sit on his lap, touch her, force her to rub his genitals, rub her breasts, pull up her skirt, fondle her vagina and otherwise sexually abuse her.

24. Ruis was able to gain access to Plaintiff using his position of authority as a priest as provided by the Archdiocese to gain the trust of Plaintiff and other children and their families.
25. As a result of the actions of Ruis, Plaintiff felt and continues to feel ashamed, depressed, uncomfortable, and humiliated.
26. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **ARCHDIOCESE OF NEW YORK**'s negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of its community safe from Ruis despite the Archdiocese having knowledge that Ruis sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Ruis to continue to have his position of authority and power, and the Diocese failed to adequately supervise Ruis.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ARCHDIOCESE OF NEW YORK**

27. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 26. inclusive, with the same force and effect as if hereinafter set forth at length.
28. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in locis parentis, to keep the young children students and/or patrons of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Ruis.

29. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
30. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
31. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
32. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
33. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
34. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ST. ATHANASIUS**

35. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 34. inclusive, with the same force and effect as if hereinafter set forth at length.
36. At all times mentioned herein, defendant **ST. ATHANASIUS** owed a duty of care, including but not limited to in locis parentis, to keep the young children students and/or

patrons of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Ruis.

37. At all times mentioned herein, defendant **ST. ATHANASIU**S and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
38. As a result of the negligence of defendant **ST. ATHANASIU**S and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
39. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
40. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
41. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
42. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**  
**RETENTION AND SUPERVISION AS TO ARCHDIOCESE OF NEW YORK**

43. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 42., inclusive, with the same force and effect as if hereinafter set forth at length.

44. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to the young children students and/or patrons of its parishes by its clergymen.
45. Defendant was negligent in hiring, retaining and supervising their personnel, such as Ruis, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.
46. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known Ruis sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, which led to plaintiff being sexually abused.
47. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
48. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
49. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
50. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
51. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO ST. ATHANASIUS**

52. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 51., inclusive, with the same force and effect as if hereinafter set forth at length.
53. Defendant **ST. ATHANASIUS**, had a duty to supervise and prevent known risks of harm to the young children students and/or patrons of its parishes by its clergymen.
54. Defendant was negligent in hiring, retaining and supervising their personnel, such as Ruis, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.
55. Defendant **ST. ATHANASIUS** knew or should have known Ruis sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, which led to plaintiff being sexually abused.
56. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
57. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
58. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

59. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
60. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION  
OF EMOTIONAL DISTRESS AS TO ARCHDIOCESE OF NEW YORK**

61. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 60., inclusive, with the same force and effect as if herein set forth at length.
62. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Ruis, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
63. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Ruis.
65. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Ruis sexually abusing Plaintiff.
66. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

67. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
68. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
69. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION  
OF EMOTIONAL DISTRESS AS TO ST. ATHANASIUS**

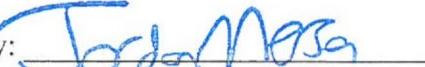
70. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 69., inclusive, with the same force and effect as if herein set forth at length.
71. Defendant **ST. ATHANASIUS** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Ruis, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
72. Defendant **ST. ATHANASIUS** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Ruis.
74. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Ruis sexually abusing Plaintiff.

75. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
76. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
77. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
78. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

/19

-----X  
JANE DOE

Plaintiff,

-against -

ATTORNEY  
VERIFICATION

ARCHDIOCESE OF NEW YORK, and ST.  
ATHANASIUS,

Defendants.

-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



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JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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JANE DOE,

*Plaintiff,*

*- against -*

ARCHDIOCESE OF NEW YORK and ST.  
ATHANASIUS,

*Defendants,*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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